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By: 

Printed: Jeannie G. Labra

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Box Patent Application
Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202
Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. **09/720,533**, filed on **March 20, 2001**, entitled **SIGNAL PEPTIDE-CONTAINING MOLECULES**, all of which is being incorporated herein by reference.

- | | |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| X | Enclosed is a specification corresponding to the prior application, U.S. Application Serial No. 09/720,533 , filed on March 20, 2001 , including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application. |
| X | With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/720,533 , filed March 20, 2001 , to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/720,533 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. |
| X | Cancel in this application original claims 3-8, 12-16, 19, 21-22, 24-25, 28-29, and 40-55 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims. |
| X | The inventors of the invention being claimed in this application are: Preeti G. Lal, Y. Tom Tang, Gina A. Gorgone, Neil C. Corley, Karl J. Guegler, Mariah R. Baughn, Ingrid E. Akerblom, Janice Au-Young, Henry Yue, Chandra Patterson, Roopa M. Reddy, Jennifer L. Hillman, Olga Bandman. |
| X | The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.</u> , recorded on March 30, 2001 , at reel /frame 011702/0037 . |

X The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Jenny Buchbinder	Reg. No. 48,588
Diana Hamlet-Cox	Reg. No. 33,302
Joel Harris	Reg. No. 44,743
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lori L. Kerber	Reg. No. 41,113
Gina C. Nellesen	Reg. No. 52,062
Shirley A. Recipon	Reg. No. 47,016
Cathleen M. Rocco	Reg. No. 46,172
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
James M. Verna, Ph.D.	Reg. No. 33,287
Yu-Mei Eureka Wang	Reg. No. 50,510

X The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

ENCLOSURES

- X Application Data Sheet (ADS) (9 pp.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (7 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (1 pg.).
- X A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X Preliminary Amendment (7 pp.)

Other:

CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee	
				Rate	Fee	\$	
							770.00
Total Claims	20	-20	0	x \$18		\$	0
Indep. Claims	1	-3	0	x \$86		\$	0
Multiple Dependent Claim(s), if any				+ \$290		\$	0
Filing Fee:						\$	770.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

<input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 C.F.R. 1.16 (a):	\$ 770.00
<input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of :	\$ 770.00

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 C.F.R. §§ 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. **This sheet is enclosed in duplicate.**

CORRESPONDENCE ADDRESS
(Customer No. 27904)

INCYTE CORPORATION
LEGAL DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304

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Date:

April 7, 2004

By:

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

____ Inventor(s).

____ Assignee of complete interest.

☒ Attorney or Agent of record.

____ Filed under 37 C.F.R. § 1.34(a), with Limited Recognition under 37 C.F.R. § 10.9 (b).

____ Filed under 37 C.F.R. § 1.34(a) Registration number if acting under 37 C.F.R. § 1.34(a).

**Department of Energy**

Washington, DC 20585

MAR 3 2003

Mr. Michael Carone
Office of Licensing and Review
U.S. Patent and Trademark Office
Technology Group 3600
Crystal Park 5
Arlington, Virginia

Re: Blanket Exemption from Requirements Under §42 U.S.C. 2182 for Incyte
Genomics, Inc.

Dear Mr. Carone:

The U.S. Department of Energy (DOE) wished to grant Incyte Genomics, Inc. (Incyte) a blanket exemption from the requirements under §42 U.S.C. 2182 for their patent applications disclosing inventions involving radionuclides. This blanket exemption is granted based on assertions set forth in Incyte's letter to DOE dated February 25, 2003. No blanket exemption is granted from the requirements of any other statute, including the security review statute, §42 U.S.C. 2181.

This blanket exemption will be effective from the date of this letter for one (1) calendar year (the "Blanket Exemption Period"), and covers all Incyte patent applications now pending before the U.S. Patent and Trademark Office and will cover all Incyte patent applications filed within the Blanket Exemption Period. Therefore, the Blanket Exemption Period ends on February 26, 2004. For the Blanket Exemption Period, Incyte will include a copy of this letter with all applicable applications. This blanket exemption may be renewed for successive one (1) year periods upon Incyte's request, subject to DOE approval. DOE will notify your office in writing of such renewals, if granted.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Gottlieb".

Paul A. Gottlieb
Assistant General Counsel
for Technology Transfer
and Intellectual Property
(202) 586-2802

